

REMARKS/ARGUMENTS

It is first noted that an Information Disclosure Statement (IDS) was filed along with a Request for Continued Examination (RCE) and Response to a previous office action on October 5, 2004. There is no indication in the current Office Action that the reference cited in this IDS was considered by the Examiner. Applicant respectfully requests that the reference cited in the IDS filed on October 5, 2004 be considered, and that an indication be provided to Applicant's undersigned attorney that this reference was considered. A copy of the IDS as filed on October 5, 2004, along with a copy of for PTO/SB/08a and a copy of the reference cited in the IDS is enclosed herewith for the Examiner's convenience.

By the foregoing Amendment of the Claims, one of the claims, Claim 11, has been amended slightly to make consistent the use of certain language therein. It is respectfully submitted that this amendment of Claim 11 is both fully supported by the application specification as originally filed, and does not change the scope of Claim 11 as pending.

In the Office Action, all of the Claims 1, 3-5, 7-9, 11, 13-14, 16-17, and 19-29 as pending in the application were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,568,385 to Shelton in view of U.S. Patent Application Publication No. US 2002/0130899 to Ryan, et al. It is respectfully submitted that the features, and combination of features, as recited in the Claims as pending in the present application are not described or suggested in either of the cited references, considered separately, or in combination. Therefore, it is respectfully submitted that the rejection of the Claims be withdrawn, and that all of the Claims currently pending in the application be allowed for the following reasons.

Independent Claim 1 of the present application as currently pending, is drawn to a method for generating a combined graphical information and time-lapse photography presentation. Claim 1 features (a) obtaining a time-lapse photography video image sequence of changing sky conditions over a selected time period, (b) recording weather information over the selected time period, (c) generating in a computer a dynamic graphical information presentation of changing weather conditions over the selected time period from the recorded weather information, and (d) combining the dynamic graphical

information presentation with the time-lapse video image sequence in a time synchronized manner to form a combined graphical information and time-lapse photography presentation in which both the time-lapse video image sequence and the dynamic graphical information presentation change dynamically when the combined graphical information and time-lapse photography presentation is played to show simultaneously time synchronized dynamically changing sky conditions and weather conditions over the selected time period.

Thus, Claim 1 of the present application, as currently pending, is drawn to a method for creating a dynamic, that is, moving, presentation showing simultaneously, and in a time synchronized manner, a time-lapse photography video image of sky conditions and computer generated graphical information of changing weather conditions over the same time period. An exemplary single frame of such a presentation is illustrated, for example, in Fig. 2 of the present application. In a dynamic weather presentation generated in accordance with Claim 1, for example, one might see a background time-lapse photography image of clouds passing through the sky on a rainy day, with a computer generated image of a rain gauge gradually filling as the day proceeds, with a dynamic computer generated image of a thermometer showing the temperatures changing through the day. Since the time-lapse photography video image background and the computer generated dynamic graphical information are time synchronized, the computer generated rain gauge image, for example, will thus show the amount of rain accumulating corresponding to the rain that the viewer sees falling in the time-lapse photography video image sequence. It is respectfully submitted that neither of the cited references, considered separately, or in combination, describe or suggest such a combined graphical information and time-lapse photography presentation or a method or system for generating such a presentation.

It is first respectfully submitted that a time-lapse photography video image sequence of changing sky conditions over a selected time period is a key element of Claim 1. As described in paragraph [0005] in the Background of the Invention section of the present application, and as is well known in the art, in a time-lapse photography video presentation frames of video images are spaced apart at time intervals throughout a time period of interest. When the time-lapse video created in this manner is played back at normal speed, a sped-up video image is presented. (Corresponding dictionary

definition of "time-lapse" photography, showing the common understanding of this term, also is enclosed. (Webster's New World College Dictionary 1401(3d ed.)1997)).

It is respectfully submitted that neither of the cited references discuss or even mention obtaining a time-lapse photography video image sequence of changing sky conditions over a selected time period, as featured in Claim 1. The term "time-lapse" does not appear in either of the cited references. Furthermore, neither of the cited references describe or suggest obtaining video image sequences of changing sky conditions that could be considered time-lapse photography. Shelton describes collecting weather data from various local and remote weather stations and a centralized base computer location. As illustrated in Fig. 2 of Shelton, such remote weather stations may include a video camera 82. However, nothing in Shelton describes or suggests that this video camera be used to obtain a time-lapse video image sequence of changing sky conditions over a selected time period. Ryan, et al. describes a weather system available through the Internet that provides consumers with multiple methods of navigating through a cite. Ryan, et al. does not mention or suggest time-lapse photography video image sequences in any respect. Since Claim 1 of the present application features obtaining a time-lapse photography video image sequence of changing sky conditions over a selected time period, and neither of these cited references even mention time-lapse photography. It is respectfully submitted that Claim 1 of the present application is not anticipated by or unpatentably obvious over the cited references.

Claim 1 features the additional elements of recording weather information over a selected time period, generating dynamic graphical information over the selected time period from the recorded weather information, and combining the dynamic graphical information presentation with the time-lapse photography video image sequence in a time-synchronized manner. Although Shelton does describe recording weather information from weather stations, as well as generating graphical representations of such information, it does not describe combining such computer generated graphical representations with time-lapse photography video image sequences. This must be true because, as discussed above, neither Shelton nor Ryan, et al. even mention time-lapse photography video image sequences of changing sky conditions.

Shelton does disclose the ability to collection numerical textual data, graphs, and pictures; to superimpose the numerical, textual and graph data on said pictures; and to

communicate the superimposed images to end users. In this case, pictures can be stored images or real time images being collected with a video camera at the same time as the weather data is being collected. In this fashion, the system is capable of providing end users with high information content weather images, for example, temperature, rainfall, wind speed and barometric data (in alpha numeric and/or graph expression) superimposed on a satellite picture of the region in question or some other picture of interest (e.g., real time or taped video of rain falling; wind blowing; snow, rain or trees; snow drifts; snow control teams in action; hurricanes; tornadoes; earthquakes; etc. (See Shelton, col. 3, lines 20-34.) It is very important to note here that Shelton does not mention or suggest that any of the video images to be obtained be time-lapse photography video images. In addition, Shelton no where describes or suggests that the video images and numerical, textual, or graphical data that may be superimposed thereon be time synchronized in any manner. It is respectfully submitted that Shelton only describes and suggests using such background images (still or video images) as illustrative of weather conditions, and not in the time synchronized manner as specifically featured in Claim 1 of the present application.

Therefore, for the foregoing reasons, it is respectfully submitted that Claim 1 of the present application, and Claims 3-5 and 7-9 which depend, either directly or indirectly, therefrom, and incorporate the features thereof, are not unpatentably obvious over either of the cited references, considered separately or in combination, and are, therefore, in condition for allowance.

Pending Claim 11 of the present application is drawn to a system for generating a combined graphical information and time-lapse photography presentation. Claim 11 features means for performing the functions featured in method Claim 1. Therefore, it is respectfully submitted that Claim 11 is also not anticipated by or unpatentably obvious over the cited references for the reasons discussed above with reference to Claim 1, and is, therefore, also in condition for allowance. Claims 13, 14, 16, 17, and 19 depend from Claim 11 and incorporate the features thereof. Therefore, it is respectfully submitted that these dependent Claims also are not anticipated by or unpatentably obvious over the cited references and are, therefore, also in condition for allowance.

Independent Claim 20 of the present application is drawn to a method for generating a combined dynamic graphical information in video sequence weather

forecast presentation. Claim 20 features (a) obtaining weather condition forecast information for a selected time frame, (b) generating in a computer a dynamic graphical information presentation of changing forecast weather conditions over the selected time frame from the weather condition forecast information, (c) obtaining a video image sequence of sky conditions corresponding to the weather condition forecast information for the selected time frame and (d) combining the dynamic graphical information presentation and the video image sequence to form a combined dynamic graphical information and video sequence weather forecast presentation in which both the video image sequence and the dynamic graphical information presentation change dynamically when the combined graphical information and video presentation is played to show simultaneously dynamically changing forecast sky conditions and forecast weather conditions over the selected time frame.

It is noted that Claim 20 features generating a combined dynamic graphical information and video sequence weather forecast presentation based on forecast information for a selected time frame. Shelton only describes obtaining weather information from weather stations. Thus, Shelton does not describe or suggest obtaining weather condition forecast information. Therefore, in addition to the reasons discussed above, it is respectfully submitted that independent Claim 20 of the present application is not anticipated by or unpatentably obvious over the cited references, and is, therefore, in condition for allowance. The Claims 21-24 depend either directly or indirectly, from independent Claim 20 and incorporate the features thereof. Therefore, it is respectfully submitted that these dependent Claims also are not anticipated by or unpatentably obvious over the cited references, and are, therefore, in condition for allowance.

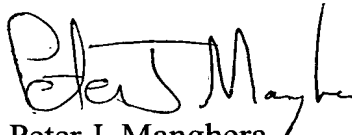
Independent Claim 25 is drawn to a system for generating a combined dynamic graphical information and video sequence weather forecast presentation. Independent Claim 25 features means for performing the functions recited in independent Claim 20. Therefore, it is respectfully submitted that independent Claim 25, and Claims 26-29 which depend therefrom, also are not anticipated by or unpatentably obvious over the cited references for the reasons discussed above with reference to Claim 20 and are, therefore, also in condition for allowance.

It is respectfully submitted that all of the Claims as currently pending in the application are in condition for allowance. Applicant believes that there may be a

misunderstanding in communication regarding the scope of the Claims and the teachings of the prior art in that, in particular, Claim 1, for example, features obtaining a time-lapse photography video image sequence of changing sky conditions, and neither of the cited references even mention time-lapse photography. Although applicant believes that this has been made clear in the foregoing arguments, if, for some reason, the Examiner is inclined to maintain the current rejection of the Claims, Applicant respectfully request that Applicant's undersigned attorney be contacted to arrange a telephonic interview before a subsequent action is issued in the present application.

For the reasons discussed above, it is respectfully submitted that all of the Claims 1, 3-5, 7-9, 11, 13, 14, 16, 17, and 19-29 pending in the application are in condition for allowance. Favorable action on the present application is, therefore, respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter J. Manghera". The signature is fluid and cursive, with the first name "Peter" and last name "Manghera" clearly distinguishable.

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Attorney's Docket No. 6840

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

In re application of: TERENCE F. KELLY

Group Art Unit: 2672

Serial No.: 09/909,553

Filed: 07-20-2001

For: SYNCHRONIZED GRAPHICAL INFORMATION AND TIME-LAPSE
PHOTOGRAPHY FOR WEATHER PRESENTATIONS AND THE LIKE

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF
FIRST OFFICE ACTION (37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8)

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**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
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The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Dated: October 5, 2004

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to David B. Guralnik
lexicographical mentor and friend*

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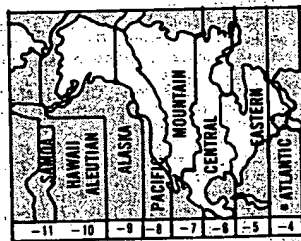
which the same or nearly the same thing recurs; repeated occasion (told for the fifth time, time and time again) —*Interf.* Sports an exclamation signaling that a period of play or activity is ended or that play is temporarily suspended —*vt.* timed, *tim'ing* 1 to arrange or set the time of so as to be acceptable, suitable, opportune, etc. (to time an invasion) 2 to adjust, set, play, etc. so as to coincide in time with something else (to time one's watch with another's) 3 to regulate (a mechanism) for a given speed or length of operation 4 to set the duration of (a syllable or musical note) as a unit of rhythm 5 to calculate or record the pace, speed, finishing time, etc. of; clock (to time a runner) —*vi.* [Rare] to move in time; keep time —*adj.* 1 having to do with time 2 set or regulated so as to explode, open, etc. at a given time (a time bomb) 3 payable later or on a specified future date (a time loan) 4 designating or of any of a series of payments made or to be made over a period of time (a time payment) —[T-] FATHER TIME —*abreast of the times* 1 up-to-date, as in ideas, fashions, etc.; modern 2 informed about current matters —*against time* in an effort to finish in a given time —**ahead of time* sooner than due; early —*at one time* 1 simultaneously 2 formerly —*at the same time* 1 simultaneously; in the same period 2 nonetheless; however —*at times* occasionally; sometimes —*behind the times* out-of-date; old-fashioned —*behind time* late —*between times* at intervals, as between other events or actions —*do time* (Colloq.) to serve a prison term —*for the time being* for the present; temporarily —*from time to time* at intervals; now and then —*gain time* 1 to go too fast: said of a timepiece 2 to prolong a situation until a desired occurrence can take place —*in good time* 1 at the proper time 2 in a creditably short time; quickly —*in no time* almost instantly; very quickly —*in time* 1 in the course of time; eventually 2 before it is too late 3 keeping the set rhythm, tempo, pace, etc. —*lose time* 1 to go too slow: said of a timepiece 2 to let time go by without advancing one's objective —*make time* 1 to compensate for lost time by going faster, as a train 2 to travel, work, etc. at a specified, especially fast, rate of speed (we made (good) time between Boston and Albany) —**make time with* (Slang) to succeed in attracting or having an affair with (a person) —*many a time* often; frequently —**on one's own time* during time for which one is not paid; during other than working hours —*on time* 1 at the appointed time; punctual or punctually 2 to be paid for in installments over a period of time —*out of time* 1 not at the usual time; unseasonable 2 not keeping the set rhythm, tempo, pace, etc. —*pass the time of day* to exchange a few words of greeting, etc. —*time after time* again and again; continually Also time and again —*time of life* age (of a person) —**time of one's life* (Colloq.) an experience of great pleasure for one —*time on one's hands* an interval with nothing to do —*time out of mind* TIME IMMEMORIAL (sense 1) —*time* was there was a time

time and a half a rate of payment one and a half times the usual rate, as for working overtime
time bomb 1 an explosive device connected to a timer that will set it off at a given moment 2 any potentially destructive state of affairs
***time capsule** a container in which articles, documents, etc. representative of current civilization are encased, to be buried or otherwise preserved for a future age
time-card (tim'kär'd) *n.* a card on which the hours worked by an employee are recorded, as by using a time clock
***time clock** a clock with a mechanism for recording on a timecard the time an employee begins and ends a work period
time-consuming (-kan sööm'ing, -syööm'-) *adj.* using up much or too much time (a time-consuming task)
***time deposit** a bank deposit payable at a specified future date or upon advance notice
time discount Commerce a discount in price for payment made before the bill is due
***time draft** a draft payable at a future specified date
time exposure 1 an exposure of a photographic film or plate for a relatively long period, generally longer than half a second 2 a photograph taken in this way
time frame a given interval of time, esp. in relation to a particular event or process (the time frame for the satellite launch)
time-honored (tim'an'örd) *adj.* honored or observed because in existence or usage for a long time
time immemorial 1 time so long past as to be vague 2 Eng. Law beyond legal memory, fixed by statute as prior to 1189, the beginning of the reign of Richard I
time-keeper (tim'kē'pär) *n.* 1 TIMEPIECE 2 a person who keeps time; specif., a) a person employed to keep account of the hours worked by employees b) a person who keeps account of the elapsed time in the periods of play in certain sports
time-lapse (-laps) *adj.* designating or of a technique of photographing a slow process, as the growth of a plant, on motion-picture film by exposing single frames at widely spaced intervals: the developed film is projected at regular speed to show the entire process greatly speeded up
time-less (tim'lis) *adj.* 1 that cannot be measured by time; unending 2 transcending time; eternal 3 restricted to no specific time; always valid, true, or applicable 4 (Obs.) untimely —*timelessly* *adv.* —*time-less-ness* *n.*
time limit a fixed period of time during which something is valid, or must be done, completed, or ended
time loan a loan to be repaid at a specified time
***time lock** a lock with a mechanism that prevents opening before the set time
timely (tim'le) *adj.* -lier, -liest [ME *tymeli* < OE *timlice*: see TIME & -LY] 1 happening, done, said, etc. at a suitable time; well-timed; opportune 2 (Now Rare) appearing in good time; early —*adv.* 1

1401

time and a half / timorous

[Archaic] early; soon 2 at the right time; opportune (the brief was timely filed with the court) —*time's-tiness* *n.*
SYN—timely applies to that which happens or is done at an appropriate time, esp. at such a time as to be of help or service (a timely interruption); opportune refers to that which is so timed, often as if by accident, as to meet exactly the needs of the occasion (the opportune arrival of a supply train); seasonable applies literally to that which is suited to the season of the year or, figuratively, to the moment or occasion (seasonable weather)
time-ous (tim'as) *adj.* [Scot.] TIMELY
time-out (tim'out) *n.* 1 any time taken for rest or not counted toward a work record, score, etc. 2 Football, Basketball, etc. any suspension of play, with the timekeeper's clock stopped, to allow a team to make substitutions, discuss strategy, etc.
time-piece (tim'pēs) *n.* any apparatus for measuring and recording time; esp., a clock or watch
timer (tim'är) *n.* 1 a) TIMEKEEPER b) STOPWATCH 2 in internal-combustion engines, any part or system designed to control the timing of the spark in the cylinder 3 any of various devices for timing, or, automatically starting and stopping at predetermined times, the operation of some mechanism
times (timz) *prep.* multiplied by: symbol, × (two times three is six)
time-saving (tim'säv'in) *adj.* that saves time because of greater efficiency, etc. —*time-saver* *n.*
time-server (tim'sär'vär) *n.* one who for personal advantage deliberately surrenders one's principles and acts in conformity with the patterns of behavior prevailing at the time or sanctioned by those in authority; toady —*time-serving* *n., adj.*
***time sharing** 1 a system permitting the simultaneous employment of a computer by many users at remote locations 2 a system for sharing ownership in a vacation home, condominium, etc., in which each of the joint purchasers may occupy the unit during a specified period each year: also *time share* —*time-shared* *adj.*
time sheet a sheet on which are recorded the hours worked by an employee or employees
time signature Music a sign consisting of one number over another, esp. after the key signature, indicating the unit of measurement and the number of beats in the following measure or measures (e.g., 3/4 means three quarter-note beats); also, a nonnumerical sign used in this way (e.g., C is often used instead of 4/4)
time study study of each of the steps in an operational or production procedure and the time consumed by them, for the purpose of devising methods of increasing efficiency or productivity of workers
In full time and motion study
time-table (tim'tä'bal) *n.* a schedule of the times certain things are to happen, esp. of the times of arrival and departure of airplanes, trains, buses, etc.
time-tested (tim'test'id) *adj.* having value proved by long use or experience
time warp the condition or process of being displaced from one point in time to another, as in science fiction
time-work (tim'wörk) *n.* work paid for by the hour or day: cf. PIECE-WORK —*time-work'er* *n.*
time-worn (tim'wörn) *adj.* 1 worn or deteriorated by long use or existence 2 hackneyed; trite
***time zone** see STANDARD TIME
timid (tim'id) *adj.* [L *timidus* < *timere*, to fear] 1 easily frightened; lacking self-confidence; shy; timorous 2 showing fear or lack of self-confidence; hesitant (a timid reply) —*SYN.* AFRAID —*timidity* (ti mid'ä tē) or *tim'id-ness* *n.* —*tim'id-ly* *adv.*
tim-ing (tim'in) *n.* 1 a) the regulation of the speed, or of the moment of occurrence, of something so as to produce the most effective results (the timing of an engine, of a golfer's swing, of an announcement, etc.) b) the pacing of various scenes, as of a play, for total effect 2 measurement of time, as with a stopwatch
Timi-șoara (tē'mē shwä'ra) city in the Banat region of W Romania: pop. 262,000
Tim-mins (tim'inz) city in NE Ontario, Canada; north of Sudbury: pop. 46,000
ti-moc-ra-cy (ti mäk'rä sē) *n.* [MFr *tymocracie* < ML *timocratia* < Gr *timokratia* < *timē*, honor, worth (< IE base **kwei-*, to heed, value) > Lith *káira*, worth; price): + *kratía* (see -CRACY)] 1 in Plato, a form of government in which ambition for power and glory motivates the rulers 2 in Aristotle, a form of government in which political power is in direct proportion to property ownership —*ti-mo-cra-tic* (ti'mō krat'ik) *adj.*
Tim-or (tē'mör, tē'mör, t'i'mör) island of Indonesia, in the SE Malay Archipelago: c. 13,000 sq. mi. (33,670 sq. km)
tim-or-ous (tim'är es) *adj.* [ME *tymerouse* < MFr *timoreus* < ML *timorosus* < L *timor*, fear] 1 full of or subject to fear; timid 2 at, äte, cär, ten, éve; is, ice; gö, hörn, look, tōd; öl, out; up, fur, a for unstressed vowels, as a in ago, u in focus; ' as in Latin (lat'n); chin; she; zh as in azure (azh'är); thin, the; ñ as in ring (rīg) In etymologies: * = unattested; < = derived from; > = from which See inside front and back covers



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